

### **TITLE 3: HEALTH AND SANITATION AND ANIMAL REGULATIONS**

#### **DIVISION 1: ADMINISTRATION AND GENERAL REGULATIONS**

##### **Chapter 6: Hearing Procedure.**

###### **Sections:**

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###### **31.061      Applicability of this Hearing Procedure.**

Notwithstanding any other provision of this County Code, the following administrative hearing procedure shall be applied for any hearing pertaining to the denial, suspension, revocation, or denial of reissuance of any license, permit, certificate or entitlement when such action and an appeal hearing is required in any of the provisions of Title 3 of this Code, except when a hearing before the Board of Supervisors is otherwise provided. This procedure is applicable to an appeal from any of the above-mentioned actions. Such an appeal shall be made in writing to the Director within ten (10) working days of the denial, suspension, revocation, or denial of reissuance and shall contain the address to which the notice of hearing shall be sent, in order for the appeal to be valid.

Adopted Ordinance #2646 (1982); Amended Ordinance #2892 (1984);

###### **31.062      Hearing Officer.**

The hearing officer for hearings pursuant to this chapter shall be the Director of the Department of Environmental Health Services or his appointee for such purpose. Any such appointee shall be a person who has no knowledge of the facts of the particular case at the outset of the hearing, and a person not immediately involved with regulation of the particular code provisions concerned.

Adopted Ordinance #2646 (1982);

###### **31.063      Notice.**

At least ten (10) days written notice of the hearing shall be given to the holder of the right prior to the hearing date. The hearing date may be postponed or continued by stipulation of the parties. If the party notified does not respond or appear, no further hearing procedure shall be required.

Adopted Ordinance #2646 (1982);

###### **31.064      Hearing Procedures.**

Witnesses shall swear or affirm to tell the truth. The oath or affirmation shall be taken by the hearing officer.

The enforcing officer shall present his case first, with oral testimony and documentary evidence or other exhibits. The responding party shall have the right to be represented by counsel, and shall have the right of cross-examination.

The responding party may present its response after the enforcing officer has presented his case. The enforcing officer shall have the right of cross-examination.

After both sides have completed presenting evidence, the enforcing officer may comment on the evidence and argue.

After the enforcing officer has commented on the evidence and/or argued, the responding party may do the same.

Adopted Ordinance #2646 (1982);

###### **31.065      The Hearing Officer's Determination.**

No determination or order shall be based solely on the basis of hearsay evidence.

The Hearing Officer shall make his determination within five (5) working days of the end of the hearing, unless the responding party stipulates to a greater period of time. The determination shall be in writing, and shall state the findings upon which the determination is made. Final determination is the responsibility of the Director, and shall be made in writing within five (5) working days of the Hearing Officer's report. There shall be no further non-court proceedings or appeal, unless specifically so provided elsewhere in this code.

Adopted Ordinance 2646 (1982);